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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,643	12/02/2003	Norman Goris	N, GORIS 7-7	4532
47396	7590	08/15/2007	EXAMINER	
HITT GAINES, PC			AGA, SORI A	
LSI Corporation				
PO BOX 832570			ART UNIT	
RICHARDSON, TX 75083			PAPER NUMBER	
			2609	
			NOTIFICATION DATE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

Office Action Summary	Application No.	Applicant(s)	
	10/725,643	GORIS ET AL.	
	Examiner	Art Unit	
	Sori A. Aga	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/03/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims-1, 2,5,8,9, 10-12, 15 and 18 – 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Yahagi (US 20020102978 A1) (herein after Yahagi).

Regarding Claims 1 and 11; where a network selector and a method of selecting a network are claimed; Yahagi teaches a controller (network selector) that directs the wireless interface (mobile communication device) to send a request to a receive a signal from each (the at least two) wireless networks [0025 lines 6-8].

Yahagi also teaches "...the controller ...Reads tariff data from the database...and formulates a response...the tariff data and the congestion level (data communication quality)...."[0026 lines 8-11]. Yahagi teaches this step is done repeatedly for more than one network. [0035 lines 3-4].

Regarding Claims 2 and 12: where the selection system employs one of the candidate networks; Yahagi teaches, "...Controller 22 directs the wireless interface 21 to establish a connection to the network which is selected..." [0025 lines 11-12]

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Claim 5, 15 and 22; the communication device is selected from the given list that is given alternatively. Therefore, examiner discusses one of the choices to show anticipation by the reference.

Yahagi teaches that the communication device is a mobile terminal of cellular phone. [0024 line 5].

Regarding claims 8 and 18; where the selector employs a display; Yahagi teaches "...includes a display and an annunciator for indicating the received response signal to permit the user to select a desired network and enter a command signal..." [0025 lines 8-11]

Claim 9 and 19: Yahagi teaches tariff data (charge rate) is taken into account for evaluating the networks. [0026 line 8]

Claim 10 and 20: Yahagi teaches that the need address by said patent is "...need for making a manual switchover from one network to another..." [0005 lines 3-5]. Yahagi, throughout all the embodiments disclosed shows request and receipt of signals by the control unit without manual operation. Therefore Yahagi anticipates data transfers and evaluation done automatically.

Claim 21: Yahagi teaches "...User interface 23 includes a display and an annunciator for indicating the received response signal to permit the user to select a desired network and enter a command signal...." [0025 line 8-11]. Therefore, Yahagi teaches a display and a way permitting the user to enter a command signal. A person having ordinary skill in the art would know the 'user interface' includes a keypad for allowing user to enter a command signal.

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Regarding the network selector; where all the limitations are the same as claim 1. Yahagi teaches all the limitations of claim 1 as discussed above.

Claim 23: Yahagi teaches a display to allow a user to see and select outcome of said evaluation as discussed regarding claim 22 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims - 3,4,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahagi as applied to claim 1 and 11 above in view of Guilford et al. (US 20020087674 A1) (herein after Guilford).

Claims 3,4,13 and 14: alternatively list candidate network types and standards adapted by said candidate networks. Yahagi teaches all the limitations of claims 1 and 11, which are claims upon which claims 3,4,13 and 14 depend. However, Yahagi does not explicitly teach GSM, UMTS, GPRS, HSCSD and/or EDGE networks. However, Guilford in the same field of endeavor as present invention as well as Yahagi (wireless network selection method based on selected parameters) teaches that candidate networks can be GSM or UMTS. Guilford also teaches the candidate networks may employ different technologies such as GPRS or EDGE. [0014] [0027] [0087]. It would have been obvious at the time of

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the invention to make Yahagi's device compatible with said standards in order to have devices that are appealable to most users. (as one having ordinary skill in the art would know said standards represent most wireless users around the world).

5. Claims - 6, 7, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yahagi as applied to claim 1 and 11 above in view of Michaelis et al. (US 20040009751 A1) (herein after Michaelis).

Claims 6 and 16 include all the limitations of 1 and 11 respectively. Yahagi teaches all the limitations of claims 1 and 11 as discussed above. However, Yahagi does not separately indicate communication quality parameter includes transfer time (although Yahagi teaches congestion which directly affects transfer time). However, Michaelis in the same field of endeavor (selecting a wireless network) teaches latency (transfer time) as a factor in selecting wireless network. [ABSTRACT line 13]. Therefore, it would have been obvious at the time of the invention to include latency as a parameter for selecting networks in order to match required available QoS for a particular application with a network that can support for said QoS.

Claims 7 and 17 include all the limitations of 1 and 11 respectively. Yahagi teaches all the limitations of claims 1 and 11 as discussed above. However, Yahagi does not explicitly teach communication drops as a quality parameter of communication quality. However, Michaelis teaches lowering the candidate status of a network based on losing of a connection (dropping) [0045 line 6]. Therefore, it would have been obvious at the time of the invention to add droppings as a parameter for selecting networks in order

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minimize the selection of networks with higher probability of droppings as a serving network.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sori A. Aga whose telephone number is (571) 270-1868. The examiner can normally be reached on M-Th 7:30-5:00, F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Garber can be reached on (571) 270-1868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.A.


CHARLES D. GARBER
SUPERVISORY PATENT EXAMINER